

AMENDED IN ASSEMBLY AUGUST 16, 1999

AMENDED IN ASSEMBLY JULY 2, 1999

AMENDED IN SENATE APRIL 19, 1999

**SENATE BILL**

**No. 195**

**Introduced by Senators Baca and Hughes**

January 19, 1999

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An act to amend Sections 35294.1, 35294.3, 35294.7, and 35294.8 of, to add Section 35294.4 to, ~~to amend and renumber Section 35294.1 of,~~ and to amend and repeal Section 35294.2 of, the Education Code, and to repeal Section 4 of Chapter 1253 of the Statutes of 1989, relating to school safety.

LEGISLATIVE COUNSEL'S DIGEST

SB 195, as amended, Baca. Comprehensive school safety plan.

Existing law, to be repealed on January 1, 2000, makes each school district and county office of education responsible for the overall development of comprehensive school safety plans and requires the schoolsite council, if any, or the school safety planning committee to develop the plan for each schoolsite.

This bill would delete the repeal date.

Existing law declares the intent of the Legislature that all California public schools in kindergarten and grades 1 to 12, inclusive, operated by a school district develop, in cooperation with law enforcement agencies and others, a comprehensive school safety plan and authorizes a governing board of a school district to apply to the Superintendent of Public Instruction for a grant not to exceed \$15,000 per school to implement a

plan meeting prescribed criteria, and requires the school district to make available equal local matching funds.

This bill would require schools established on or after January 1, 2000, to develop and implement a plan within 12 months of the opening of the school.

Existing law, to be repealed on January 1, 2000, sets forth certain plan requirements for identification of strategies and programs that will provide or maintain a high level of school safety, including, but not limited to, child abuse reporting, disaster procedures, and procedures to notify teachers of dangerous pupils.

This bill would delete the repeal date, and would require the plan to identify whether the school has incorporated certain other strategies into the plan. The bill would make related technical and conforming changes. This bill would repeal provisions of existing law scheduled to become operative on January 1, 2000, that would authorize the plan to include prescribed provisions.

Existing law to be repealed on January 1, 2000, requires schools and school districts or county offices of education to submit certain compliance reports, and requires the Superintendent of Public Instruction to notify a school district or county office of education if the superintendent determines that there has been a willful failure by the school district or county office to make any required report and to make an assessment of not more than \$500 against the school district or county office.

This bill would delete the repeal date, and would make conforming changes.

Existing law, the operation of which is conditioned on the availability of certain funds, permits the Department of Justice to contract with one professional law enforcement trainer and one professional educator trainer to coordinate and present related statewide workshops for school districts.

This bill would revise the provisions regarding conditional operation, delete the requirement that the contracts be with only one professional law enforcement trainer and with only one professional educator trainer, and would make conforming changes.



By making certain provisions of this program mandatory, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. *Section 35294.1 of the Education Code,*  
2 *as added by Section 2 of Chapter 736 of the Statutes of*  
3 *1997, is amended to read:*

4 35294.1. (a) Each school district and county office of  
5 education is responsible for the overall development of  
6 comprehensive school safety plans for its schools  
7 operating any kindergarten and any of grades 1 to 12,  
8 inclusive.

9 (b) (1) Except as provided in subdivision (d) with  
10 regard to a small school district, the schoolsite council  
11 established pursuant to Section 52012 or 52852 shall write  
12 and develop a comprehensive school safety plan relevant  
13 to the needs and resources of that particular school.

14 (2) The schoolsite council may delegate this  
15 responsibility to a school safety planning committee  
16 made up of the following members:

17 (A) The principal or the principal's designee.

18 (B) One teacher who is a representative of the  
19 recognized certificated employee organization.

20 (C) One parent whose child attends the school.

21 (D) One classified employee who is a representative  
22 of the recognized classified employee organization.

1 (E) Other members, if desired.

2 (3) The schoolsite council shall consult with a  
3 representative from a law enforcement agency in the  
4 writing and development of the comprehensive school  
5 safety plan.

6 (4) In the absence of a schoolsite council, the members  
7 specified in paragraph (2) shall serve as the school safety  
8 planning committee.

9 (c) Nothing in this article shall limit or take away the  
10 authority of school boards as guaranteed under this code.

11 (d) (1) Subdivision (b) shall not apply to a small  
12 school district, as defined in paragraph (2), if the small  
13 school district develops a districtwide comprehensive  
14 school safety plan that is applicable to each schoolsite.

15 (2) As used in this article, “small school district” means  
16 a school district that has fewer than 2,501 units of average  
17 daily attendance in the 1997–98 fiscal year.

18 ~~(e) This section shall remain in effect only until~~  
19 ~~January 1, 2000, and as of that date is repealed, unless a~~  
20 ~~later enacted statute, that is enacted before January 1,~~  
21 ~~deletes or extends that date.~~

22 *SEC. 2.* Section 35294.2 of the Education Code, as  
23 amended by Section 3 of Chapter 736 of the Statutes of  
24 1997, is amended to read:

25 35294.2. (a) The comprehensive school safety plan  
26 shall include, but not necessarily be limited to, the  
27 following:

28 (1) Assessing the current status of school crime  
29 committed on school campuses and at school-related  
30 functions.

31 (2) Identifying appropriate strategies and programs  
32 that will provide or maintain a high level of school safety  
33 and address the school’s procedures for complying with  
34 existing laws related to school safety, which shall include  
35 the development of all of the following:

36 (A) Child abuse reporting procedures consistent with  
37 Article 2.5 (commencing with Section 11164) of Title 1 of  
38 Part 4 of the Penal Code.

39 (B) Disaster procedures, routine and emergency.

(C) Policies pursuant to subdivision (d) of Section 48915 for pupils who committed an act listed in subdivision (c) of Section 48915 and other school-designated serious acts which would lead to suspension, expulsion, or mandatory expulsion recommendations pursuant to Article 1 (commencing with Section 48900) of Chapter 6 of Part 27.

(D) Procedures to notify teachers of dangerous pupils pursuant to Section 49079.

(E) A sexual harassment policy, pursuant to subdivision (b) of Section 212.6.

(F) The provisions of any schoolwide dress code, pursuant to Section 35183, that prohibits pupils from wearing “gang-related apparel,” if the school has adopted such a dress code. For those purposes, the comprehensive school safety plan shall define “gang-related apparel.” The definition shall be limited to apparel that, if worn or displayed on a school campus, reasonably could be determined to threaten the health and safety of the school environment. Any schoolwide dress code established pursuant to this section and Section 35183 shall be enforced on the school campus and at any school-sponsored activity by the principal of the school or the person designated by the principal. For the purposes of this paragraph, “gang-related apparel” shall not be considered a protected form of speech pursuant to Section 48950.

(G) Procedures for safe ingress and egress of pupils, parents, and school employees to and from school.

(H) A safe and orderly environment conducive to learning at the school.

(I) The rules and procedures on school discipline adopted pursuant to Sections 35291 and 35291.5.

(b) It is the intent of the Legislature that schools develop comprehensive school safety plans using existing resources, including the materials and services of the School Safety Partnership, pursuant to Chapter 2.5 (commencing with Section 32260) of Part 19. It is also the intent of the Legislature that schools use the handbook developed and distributed by the School/Law

1 Enforcement Partnership Program entitled “Safe  
2 Schools: A Planning Guide for Action” in conjunction  
3 with developing their plan for school safety.

4 (c) Grants to assist schools in implementing their  
5 comprehensive school safety plan shall be made available  
6 through the School Safety Partnership as authorized by  
7 Section 32262.

8 (d) Each schoolsite council or school safety planning  
9 committee in developing and updating a comprehensive  
10 school safety plan shall, where practical, consult,  
11 cooperate, and coordinate with other schoolsite councils  
12 or school safety planning committees.

13 (e) The comprehensive school safety plan shall be  
14 evaluated and amended, as needed, by the school safety  
15 planning committee no less than once a year to ensure  
16 that the comprehensive school safety plan is properly  
17 implemented. An updated file of all safety-related plans  
18 and materials shall be readily available for inspection by  
19 the public.

20 (f) The comprehensive school safety plan, as written  
21 and updated by the schoolsite council or school safety  
22 planning committee, shall be submitted for approval  
23 under subdivision (a) of Section 35294.8.

24 (g) The comprehensive school safety plan shall  
25 identify whether the school has incorporated all of the  
26 following strategies in an effort to attain a safe school:

27 (1) Adopting a closed campus.

28 (2) Adopting a dress code.

29 (3) Establishing a hotline telephone number that  
30 pupils can call to confidentially report dangerous activity.

31 (4) Installing an electronic or other security system  
32 restricting unauthorized access to bathroom areas.

33 (5) Conducting emergency safety drills.

34 (6) Using audible alarms with different sounds for  
35 different emergencies.

36 (7) Installing an intercom system.

37 (8) Placing one or more video cameras in entrance  
38 areas of the school.

39 (9) Increasing the number of counselors, nurses, and  
40 psychologists.

(10) Requiring character education in the curriculum.

(11) Installing panic buttons that allow school personnel to immediately summon police or other emergency personnel.

(12) Establishing peer mediation councils.

(13) Establishing an after school learning center.

~~SEC. 1.5.—~~

*SEC. 3.* Section 35294.2 of the Education Code, as added by Section 4 of Chapter 736 of the Statutes of 1997, is repealed.

~~SEC. 2.—~~

*SEC. 4.* Section 35294.4 is added to the Education Code, to read:

35294.4. A public school established on or after January 1, 2000, that maintains kindergarten and grades 1 to 12, inclusive, operated by school districts or county offices of education, shall in cooperation with local law enforcement agencies, community leaders, parents, pupils, teachers, administrators, and other persons who may be interested in the prevention of campus crime and violence, develop and implement a comprehensive school safety plan by within 12 months after the opening of the school that addresses the safety concerns identified through a systematic planning process. For the purposes of this section, law enforcement agencies include local police departments, county sheriffs' offices, school district police or security departments, probation departments, and district attorneys' offices. For purposes of this section, "comprehensive school safety plan" or "safety plan" means a plan to develop strategies aimed at the prevention of, and education about, potential incidents involving crime and violence and preventing harm or injury on the school campus.

~~SEC. 2. Section 35294.1 of the Education Code, as added by Section 2 of Chapter 736 of the Statutes of 1997, is amended and renumbered to read:~~

~~35294.5. (a) Each school district and county office of education is responsible for the overall development of comprehensive school safety plans for its schools~~

1 operating any kindergarten and any of grades 1 to 12,  
2 inclusive.

3 (b) (1) Except as provided in subdivision (d) with  
4 regard to a small school district, the schoolsite council  
5 established pursuant to Section 52012 or 52852 shall write  
6 and develop a comprehensive school safety plan relevant  
7 to the needs and resources of that particular school.

8 (2) The schoolsite council may delegate this  
9 responsibility to a school safety planning committee  
10 made up of the following members:

11 (A) The principal or the principal's designee.

12 (B) One teacher who is a representative of the  
13 recognized certificated employee organization.

14 (C) One parent whose child attends the school.

15 (D) One classified employee who is a representative  
16 of the recognized classified employee organization.

17 (E) Other members, if desired.

18 (3) The schoolsite council shall consult with a  
19 representative from a law enforcement agency in the  
20 writing and development of the comprehensive school  
21 safety plan.

22 (4) In the absence of a schoolsite council, the members  
23 specified in paragraph (2) shall serve as the school safety  
24 planning committee.

25 (e) Nothing in this article shall limit or take away the  
26 authority of school boards as guaranteed under this code.

27 (d) (1) Subdivision (b) shall not apply to a small  
28 school district, as defined in paragraph (2), if the small  
29 school district develops a districtwide comprehensive  
30 school safety plan that is applicable to each schoolsite.

31 (2) As used in this article, "small school district" means  
32 a school district that has fewer than 2,501 units of average  
33 daily attendance in the 1997-98 fiscal year.

34 ~~SEC. 3.—~~

35 *SEC. 5.* Section 35294.3 of the Education Code is  
36 amended to read:

37 35294.3. (a) The Department of Justice and the State  
38 Department of Education, in accordance with Section  
39 32262, shall contract with professional law enforcement  
40 trainers and professional educator trainers, respectively,



1 to coordinate and present statewide workshops for school  
2 districts, county offices of education, and schoolsite  
3 personnel, and in particular school principals, to assist  
4 them in the development and modification of their  
5 respective school safety plans. The Department of Justice  
6 and the State Department of Education shall work in  
7 cooperation with regard to the workshops coordinated  
8 and presented pursuant to these contracts.

9 (b) This section shall be inoperative during any fiscal  
10 year for which funds have not been appropriated for the  
11 purposes of this section in the annual Budget Act or in any  
12 other measure.

13 ~~SEC. 4.—~~

14 *SEC. 6.* Section 35294.7 of the Education Code is  
15 amended to read:

16 35294.7. In the event that the Superintendent of  
17 Public Instruction determines that there has been a  
18 willful failure to make any report required by this article,  
19 the Superintendent of Public Instruction shall do both of  
20 the following:

21 (a) Notify the school district or the county office of  
22 education in which the willful failure has occurred of the  
23 determination.

24 (b) Make an assessment of not more than five hundred  
25 dollars (\$500) against that school district or county office  
26 of education. This may be accomplished by the deduction  
27 of the amount of the assessment from an apportionment  
28 made subsequent to the determination.

29 ~~SEC. 5.—~~

30 *SEC. 7.* Section 35294.8 of the Education Code is  
31 amended to read:

32 35294.8. (a) In order to ensure compliance with this  
33 article, each school established on or after January 1, 2000,  
34 shall forward its comprehensive school safety plan to the  
35 school district or county office of education for approval.

36 (b) Before adopting its comprehensive school safety  
37 plan, the schoolsite council or school safety planning  
38 committee shall hold a public meeting at the schoolsite in  
39 order to allow members of the public the opportunity to  
40 express an opinion about the school safety plan.

1 (c) In order to ensure compliance with this article,  
2 each school district or county office of education shall  
3 annually notify the State Department of Education by  
4 December 31, of any schools that have not complied with  
5 Section 35294.1.

6 ~~SEC. 6.—~~

7 *SEC. 8.* Section 4 of Chapter 1253 of the Statutes of  
8 1989 is repealed:

9 ~~SEC. 7.—~~

10 *SEC. 9.* Notwithstanding Section 17610 of the  
11 Government Code, if the Commission on State Mandates  
12 determines that this act contains costs mandated by the  
13 state, reimbursement to local agencies and school  
14 districts for those costs shall be made pursuant to Part 7  
15 (commencing with Section 17500) of Division 4 of Title  
16 2 of the Government Code. If the statewide cost of the  
17 claim for reimbursement does not exceed one million  
18 dollars (\$1,000,000), reimbursement shall be made from  
19 the State Mandates Claims Fund.

